

**MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Halliday, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Zermeño, Williams, Sacks, Caveglia Bogue, Thnay
CHAIRPERSON Halliday
Absent: COMMISSIONER None

Staff Members Present: Conneely, Frascinella, Koonze, Looney, Patenaude, Shiner, Weisbrod

General Public Present: Approximately 20

PUBLIC COMMENT

None made.

AGENDA

1. **Zone Change No. PL-2001-0223 and Tentative Tract Map No. 7341 – Brian Purcell for PF Tract (Applicant), Brian and Kimberly Purcell (Owners):** Request to Raze an Existing Single-Family Dwelling, Vacate Excess Right-of-Way at the Corner of Alice Street and Winton Avenue and to Rezone Property from Commercial Office (CO) District to Planned Development (PD) District and Approve a Tentative Tract Map for the Purpose of Constructing Eight Townhouses. The Project is Located at 338 Winton Avenue at the Northwest Corner of Alice Street
2. **Zone Change Application No. 2001-0206 and Site Plan Review Application No. 2001-0207 – Tiburcio Vasquez Health Center, Inc. (Applicant)/St. Vincent DePaul Society of Alameda County (Owners):** Request to Rezone Property from PD (Planned Development) to CC-C (Central City – Commercial) and CC-C (Central City-Commercial) Sub-District/SD-3 (Cottage Special Design Overlay) District and to Convert Existing Thrift Store to a Medical Clinic and Offices Providing Medical, Dental and Optical Care. The Project is Located at 22331 Mission Blvd
3. **Airport Master Plan and Final Environmental Assessment/Environmental Impact Report**
4. **Referral by the Planning Director – Interpretation of Zoning Ordinance, Architectural Design Principles and Industrial District**

PUBLIC HEARINGS

1. **Zone Change No. PL-2001-0223 and Tentative Tract Map No. 7341 – Brian Purcell for PF Tract (Applicant), Brian and Kimberly Purcell (Owners):** Request to Raze an Existing Single-Family Dwelling, Vacate Excess Right-of-Way at the Corner of Alice Street and Winton Avenue and to Rezone Property from Commercial Office (CO) District to Planned Development (PD) District and Approve a Tentative Tract Map for the Purpose of Constructing Eight Townhouses. The Project is Located at 338 Winton Avenue at the Northwest Corner of Alice Street

Assistant Planner Koonze presented the staff report and described the project. He noted that the property is located on the northwest corner of Winton Avenue and Alice Street and contains a single-family home, which will be razed to make room for the project. He noted that the applicant is planning to build 8 two-story townhouses on the property. The owners are asking the City to vacate a part of the street right-of-way at the corner of Winton and Alice. The design incorporates three unit designs with varied elevations. Staff felt the design is well done, but is asking for more varied siding material and roof variations. Each unit has its own courtyard.

Commissioner Caveglia asked about the lot size and location of the present house on the lot.

The public hearing opened at 7:42 p.m.

Brian Purcell said he is in the business of developing in the Bay Area. He said the goal is to develop with sensitivity. This is an example for other developers. The response of neighbors is supportive. He asked for clarification on two items. He commented that they would like further discussion of the unit staff is asking to be moved, and for an exception to Condition 45, replacing a masonry wall with a solid wood wall. His architect gave an example of what they meant. He noted it would look like a redwood fence.

Commissioner Bogue asked about the drawings showing redwood fencing.

Assistant Planner Koonze noted that the City's policy is to have a masonry wall near a driveway, because of noise and sounds. He also commented on the longevity period for a masonry wall, versus a wooden wall. He commented that there is a 5-foot landscaping section.

Commissioner Williams asked about the applicant's first concern regarding a change in the unit. He was told that staff has no problem working with the applicant on this.

Commissioner Williams noted that the wooden wall would be more attractive and that the homeowners would find it to their advantage to keep the property up. A masonry wall takes the project out of the residential character.

Commissioner Bogue expressed concern about the courtyard open space. He noted that it is partly on their property and partly on the neighbor's property. He said he had not seen something



like this before. With this design, a homeowner cannot secure all of his own property.

The architect explained that the homeowners grant an easement to their neighbor's. He commented that this is a standard zero lot line development.

Principal Planner Patenaude added that this allows a window on each side of the unit for light and air.

Commissioner Bogue then asked how the owner of the property is protected. He was told that liability and homeowners insurance cover these things.

The public hearing closed at 8:06 p.m.

Commissioner Williams **moved**, seconded by Commissioner Zermeño, to recommend to the City Council to adopt the Negative Declaration, approve the razing of the building, vacate the excess right of way, approve zone changes and approve the Tentative Tract Map. Zermeno seconded.

Principal Planner Patenaude suggested that they needed to take action that the vacation is consist with the General Plan.

Commissioner Sacks thanked the developer for his phone call. She had a question regarding the fence. She said she was still failing to understand whether a masonry wall or a better-looking wooden fence was necessary for a neighborhood fence that accomplishes the same thing.

Principal Planner Patenaude said the Ordinance would not require a masonry wall, however, the rear of the property has a driveway with access to all of the properties. The wall would block the sound better. To amend that condition, developer would prove that it is equally effective.

Commissioner Sacks said she would support the option of the redwood or wooden fence.

Commissioner Williams said he was confident that a wooden fence is an option. He noted that he preferred that the developer work with staff the change in either Plan A or B for the corner property.

Commissioner Thnay said he thought this project is a good addition to the neighborhood. Most homes do not have a driveway in the back of the homes. He commented that, unless it's proven that a wooden wall is better to attenuate the sound, he would not agree to a wooden fence. Otherwise the three homes adjacent to the driveway would have a problem. He noted that, if a wooden wall were as good, most of the freeway sound walls would be wooden since they are cheaper.

Commissioner Williams said he felt a wooden fence would serve just as well as the other. He commented that at his home, in his own back yard, he does not hear the noise. His wooden fence

and trees help deaden the sound. He said he prefers the wooden wall.

Commissioner Zermeno commented that the other homeowners say it will improve the value of their homes.

Commissioner Thnay commented on condition #38, and requested that a locked mailbox be included as well.

Principal Planner Patenaude asked Commissioner Williams to recommend amending condition #45 to allow either a wooden wall or the masonry wall.

Commissioner Caveglia commented on the conditions from 38 through 40 while the project is under construction. He noted that it can be horrendous to the neighbors' He wondered how to enforce them.

Assistant Planner Koonze commented that the rules are there for City staff to go out and enforce them. He said complaints are responded to as well.

Commissioner Caveglia suggested sending the list of rules to the neighbors just as the hearing notice is sent.

Principal Planner Patenaude said he would look into doing so.

Chairperson Halliday commented that she liked the project. She said it is a good project for this site. She said in-fill is usually higher density. She said the problems could be worked out. She said it was a good use of the lot. She added that she really liked the front porch. She noted that if it can be shown through a study that the wooden wall can attenuate sound as well, she would be open to accepting it.

Assistant Planner Koonze commented that the developer could commission a sound study that a wooden wall can match or accede a masonry wall.

Commissioner Bogue expressed concern for the life of the wooden wall. It needs to be maintained as well.

Assistant Planner Koonze said he would assume that the Homeowners Association would take care of the site and will take care of the condition of the fence.

The motion passed 6:1, with Commissioner Bogue voting "No."

- 2. Zone Change Application No. 2001-0206 and Site Plan Review Application No. 2001-0207 – Tiburcio Vasquez Health Center, Inc. (Applicant)/St. Vincent DePaul Society of Alameda County (Owners):** Request to Rezone Property from PD (Planned Development) to CC-C (Central City – Commercial) and CC-C (Central City-Commercial) Sub-District/SD-3 (Cottage Special Design Overlay) District and to Convert Existing Thrift Store to a Medical Clinic and Offices Providing Medical, Dental and Optical Care. The Project is Located at 22331 Mission Blvd



Consulting Project Planner Weisbrod described the site with the various frontages on different streets in the neighborhood. He noted that the property has a thrift store, 3 cottages, and one other cottage adjacent to the building. He described the previous approval that was given to 10 cottages that were never developed. The three present cottages would be removed. This project would replace Tiburcio Vasquez present clinic on Calaroga. The organization has estimated that 50% of their clients will walk to the new Center, 40% will use public transportation and 10% will drive. The cottage location will be landscaped and in the future a small office will be built. This will require further zoning and approval, at a later date. 107 parking spaces will be provided. The proposal is for wrought iron fencing along Mission, Smalley and Grace. Staff is recommending that the westerly end of Grace have a 4-foot picket fence to tie it into the neighborhood. The traffic study finds it will not have a significant impact on this area. A staff recommendation would be to prohibit left turns out of the property. No significant environmental impacts. At a neighborhood meeting, concern was expressed that there might be night meeting. However, the applicant has said they would close at 5 p.m. Also parking was a concern, neighbors wanted employees to park in the parking lot. Staff feels parking should be adequate and recommended approval to City Council.

Commissioner Caveglia asked about the difference between Condition 11, and the applicant saying they would close at 5. He was told that the Clinic staff believes that activity in the building would discourage people hanging around the lot and neighborhood and the Clinic would like to have the option to stay open later to offer services.

Commissioner Sacks asked what the Mission entrance was going to look like and would it be at all recessed since that seems to cause problems. She was told that the main entrance to the building would be on the North side.

Commissioner Thnay asked why, with the staff's report regarding patients not parking, there were so many parking spaces. He thought there might be more landscaping with some seating areas.

Consulting Project Planner Weisbrod agreed that this might be an option. However, since this is a larger facility than Calaroga, they may pick up their patient load. City staff is thinking about the future.

Senior Transportation Planner Frascinella commented that City staff was also concerned about the applicant's parking projection. He said also, City staff had another question as to where the patient load is coming from. If it continues to come from the current area, more will drive. He noted that rarely will people walk more than a half of a mile, and this location is on that border for BART.

Commissioner Williams commented on the traffic. He noted that they have more parking than they need right now.

Commissioner Zermeno commented that he could see the extra parking needed for the future.

Chairperson Halliday read from an email expressing concern from Celeste Perry, a neighbor, regarding staff parking in the parking lot rather than the street. She suggested that there be a specifically designated staff parking area in the lot.

Principal Planner Patenaude noted that the City could require designated spaces.

The public hearing opened at 8:55 p.m.

Cliff Sherwood, Board President, addressed the parking issue. He commented that there would be 40 spaces for staff parking. He said they strongly agree with the recommendations. They would rather be on the safe side of the community and would not want to spill over into the community.

Commissioner Caveglia said he was very supportive of this organization, but St. Vincent de Paul had presented a plan for affordable housing on this site. He wondered what happened to that proposal.

Principal Planner Patenaude says he has read that St. Vincent is cutting back.

Commissioner Caveglia said he hated to see that plan disappear like that since affordable housing is very needed in the area.

Mr. Sherwood added that being open later is important. He commented that they do not provide any in-patient services.

Commissioner Zermeno noted that this move is going to leave a vacuum in South Hayward at Calaroga. He wondered if they would be able to keep at least a small staff in the present location.

Mr. Sherwood said it does not seem possible with their current resources. He said they would be open to working with other providers in that area. He said they did not want to see people lose services. However, they are now turning others away because of the size of the facility on Calaroga.

Commissioner Bogue asked how much later they would need to stay open. He was told 7:30 or 8 p.m. They would like the option and flexibility. He introduced the project architect who answered concerns about other issues.

He noted that the intention of the Mission façade would be to be flush with the sidewalk. As to the parking issue, there should be more than enough parking on site. It will be used eventually. This is an upgrade from the current facilities.

Celeste Perry, owner of property on Pearce Street, said this should continue to improve the neighborhood. There were a few issues she wanted to note. Although the cottage zoning refers to the design of the neighborhood, it does not take into account the reality. A white picket fence



does not fit in with the neighborhood. She suggested they continue with the wrought iron fencing. She said the exit on Melvin Court is a concern. She asked that the City consider Pearce Street to be a one-way south street. She asked whether, if they decide to add an office building, would it come back to the Planning Commission.

Principal Planner Patenaude said, yes, it would require an amendment to the present action. He then noted that the white picket fence is designated by the SD overlay.

Mr. Sherwood commented that they had no objection to either white picket or wrought iron. He said there is no exit on Melvin Court.

The public hearing closed at 9:16 p.m.

Commissioner Zermeno **moved**, seconded by Commissioner Caveglia, to recommend to City Council that they certify the Negative Declaration, approve the rezoning, approve the Site Plan Review, and approve the demolition of the three cottages.

Commissioner Sacks commented on the driveways where arrows are two-ways. She said she did speak with someone near the location, whose feelings were similar to Mrs. Perry's. She said they might as well continue the wrought-iron fencing.

Commissioner Thnay suggested putting in bike racks as a condition.

Commissioner Sacks said Commissioner Thnay reminded her, Conditions #20, assumes all the employees will drive. She said the applicant needs to encourage employees to carpool, use public transportation, etc. Perhaps City staff might keep this in mind for the future.

Commissioner Bogue asked about making the whole fence wrought iron.

Commissioner Sacks asked how the gate is being secured and would there be a rolling gate going into that area.

Chairperson Halliday also wondered how the gate would be secured if it is a picket fence.

Principal Planner Patenaude said with a picket fence, the gate would have to swing onto the masonry wall opposite that location.

The **motion passed 7:0.**

3. Airport Master Plan and Final Environmental Assessment/Environmental Impact Report

Airport Manager Shiner gave the staff report. He noted that the Final EIR was combined with

the Federal Environmental Assessment. He said that he and the two consultants would address any questions and comments.

Chairperson Halliday asked some questions related to the study of historic properties.

Airport Manager Shiner said the experts asked what the use of the buildings were and whether they had any association with something historic.

Commissioner Thnay asked about any landscaping on Hesperian.

Airport Manager Shiner explained that the Master Plan principally looks at airport operations. Future development will include landscaping.

Commissioner Thnay noted that the FEIR shows a 40% growth in operations over 20 years. Yet, vehicle traffic increases by only 6%.

Airport Manager Shiner explained that this indicates aircraft operations increasing 40%. This does not necessarily translate into vehicle traffic.

Chairperson Halliday said she did not see an alternative study for building housing on airport property.

Airport Manager Shiner noted that that is a community question not an airport question. The function of the airport has a value to the community that is not always measured by money.

Chairperson Halliday then asked whether the airport is coming back from the 9-11 tragedy.

Airport Manager Shiner said one tenant was lost. Everyone else was able to ride out the storm.

Chairperson Halliday commented that, again, there was such a limited time to review all of the information. It would have been nice to go out to the airport and have an on-site visit.

The public hearing opened at 9:52 p.m.

Howard Beckman said he questions the seriousness of the review when the document is released on the 20th and this is already the 28th. He noted that this is neither the time nor the venue for this. He said he focused on asking why the 60 decibels contour is not shown. The 65 is for turbojet airports, the 60 is for neighborhood airports. His second point was the comments provided with the picture of flight patters. He wondered whether this was an accurate picture of the air flights in the area.

Commissioner Williams stated that the picture of air traffic to the airport was accurate. He noted that the students and pilots are told to curb the takeoff from San Lorenzo.

Commissioner Bogue said he has done quite a bit of studying of the airport and figured these are pretty accurate.



Commissioner Sacks asked how these vary with weather.

Airport Manager Shiner explained that a whole myriad of issues affect the perception of the noise. One project in the Master Plan will move the end of the runway further away from San Lorenzo.

The public hearing closed at 10:05 p.m.

Commissioner Zermeno **moved**, seconded by Commissioner Sacks, to forward to the City Council a recommendation to certify the Final Environmental Assessment/Environmental Impact Report, and Adopt the Airport Master Plan.

Commissioner Sacks said she would be happy to send it forward but she was not happy with such a short time to give more specific comments to Council

Commissioner Bogue said he agreed it was a short time but since the Commission had previously dealt with the Master Plan for the past 3-½ years, this has been a long time coming.

Commissioner Williams agreed he would have liked more time but also noted that the Commission has looked at this for some time. He commended staff and the airport manager.

Chairperson Halliday said she was going to abstain. She expressed concern that the process could have been better organized. Members could have studied the issues more fully with more time. She noted that it might have been helpful to look at the area.

Commissioner Bogue commented that a lot of them did tour the airport, prior to being on the Commission. He said he feels comfortable and knowledgeable about the airport. He noted that he was pleased to see the extension of the runway so that it is further away from San Lorenzo. They will be taking off sooner and further away from San Lorenzo. It should also be easier to land.

Commissioner Sacks illustrated the difference between the documents. She noted that she was frustrated that she was not doing as good a job as she could have done.

The motion passed 6:0:1, with Chairperson Halliday abstaining.

4. Referral by the Planning Director – Interpretation of Zoning Ordinance, Architectural Design Principles and Industrial District

Principal Planner Patenaude explained the changes in architectural design principles regarding truck-loading doors. Standards were adopted for the Industrial District. He explained that a plan had come in from Balch Enterprises with truck doors facing the street. The applicant was alerted

that this does not meet the design standards. Regardless of the style they remain a truck loading area, and are visible from the street. Landscaping is not possible as a result. Applicant feels these doors are attractive. He asked that the Commission maintain the guidelines for truck areas.

Commissioner Caveglia commented that part of the confusion is that Mr. Balch is confusing things with the truck loading areas. He said the staff report is clear since when the doors are open they are ugly.

Commissioner Williams agreed that the staff report is clear, however, states that truck loading areas shall not face the street unless no alternative exists.

Principal Planner Patenaude noted that Building Two has circulation around the building so that the loading doors could be on the interior of the property.

Commissioner Zermeno commented that, on occasion has heard that Hayward is not too friendly to business with all these obstacles.

Principal Planner Patenaude commented that this could be the perception with any guidelines.

Chairperson Halliday noted that this project is not in front of the Commission. The issue is the definition of interpreting the Zoning Ordinance in this regard.

Commissioner Bogue asked how much members could go into this plan as an example.

Assistant City Attorney Conneely said using it as an example would be appropriate.

The public hearing opened at 10:26 p.m.

Sherman Balch said he explained the problems with the issue. The issue is being taken out of context. He said they are not looking to substitute glass doors. It is the reference to "Truck loading areas," that needs to be dealt with. He said he was in on the initial discussion on this issue and expressed concerned over height, setbacks, and this item. He said they always talked about truck docks not truck doors. He commented that in the Industrial District, truck-loading facility would really be truck docks. He said in reading the entire Industrial Zoning Ordinance, we contend that the Ordinance was not intended to cover truck doors. Their proposal would have two buildings with a lot of landscape. Building Two is designed to be subdivided. There is no practical alternative to where the truck doors are located since circulation would be impeded with a truck loading area in the interior. He said they are trying to create an R&D park like setting.

Chairperson Halliday asked where the issue of glass doors came up.

Mr. Balch said they offered to get glass-faced doors, if that would help staff recognize their use on this plan. He noted that they have since abandoned that idea. He said they have to have doors. However, just because it's an over-head door does not mean it's a truck dock. Almost any business tries to park inside to keep their trucks safe. He commented that anything on that property would be a big improvement.



Commissioner Williams asked whether this is a loading dock or whether this is a spec building to accommodate anyone who can come in.

Ron Reese, architect, engineer, and designer in Hayward. He was also in on many of those meetings, when the Design Principals were discussed. He commented that to keep the project viable, one has to be able to accommodate a number of tenants. He noted that there would be a central court with landscaping. He described the buildings around this site as parking lots with roll-up doors. The issue is, do these roll-up doors constitute a truck loading area.

The public hearing was closed at 10:42 p.m.

Commissioner Caveglia asked specifically what they were voting on.

Assistant City Attorney Conneely said the Commission is being asked to act as to what they believe the interpretation of "Truck loading areas?" They are not asked to interpret any other alternatives.

Commissioner Caveglia **moved**, seconded by Commissioner Sacks, to say clearly a roll-top door is there for truck loading and is not allowable under section 8.

Commissioner Sacks asked whether, since this was passed in Sept 99, in the architectural design principles, the truck loading areas would include both docks and other loading areas.

Chairperson Halliday asked what about a roll-up garage door. There may well be occasions where trucks are loading and unloading. She noted that she was struggling with this.

Commissioner Williams said he tended to agree with the Chairperson. There is a difference between a loading dock and a garage door. This is an industrial area. He said we should not go with the letter of the law, but rather with the spirit of the law. This is not a loading dock.

Commissioner Bogue said whether it rolls-up or slides, any door creating a truck-loading area is a truck loading area. He said they could look at the project for a strict interpretation. To define the terms then these doors do create a truck loading area.

Commissioner Thnay noted that the second part of 8, "Unless no practical alternative exists," creates a lot of room. There is always a chance to tackle each project.

Commissioner Halliday asked whether a garage door on a building is prohibited. She was told it was.

Commissioner Zermeno said he agreed with the motion, and asked whether this particular project would be affected by this motion. He hoped Mr. Balch would still make an attempt to go through with this.

Assistant City Attorney Conneely again reiterated her comment that this was not the issue the Commission was to decide at this point.

Chairperson Halliday explained to Mr. Balch that the Commission could always make a variance or exception, if he decides to proceed with his plans. She commented that they were always open to hearing exceptions.

Commissioner Sacks agreed and said this is part of what we do here. She said they should not muddy the waters with this one particular issue.

Commissioner Williams noted that these Design Principles went into effect in 1999, so other buildings have followed suit.

Principal Planner Patenaude said staff has dealt with many situations with others facing the street and changes were required.

Commissioner Williams said it seems like more work should have gone into this in an Industrial area. To be friendly to business, we shouldn't have these kinds of restrictions.

Commissioner Caveglia noted that the point is to keep trucks from loading on the street and to get them off the street.

The motion passed 6:1, with Commissioner Williams voting "No."

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters

Principal Planner Patenaude commented on the notice of cancellation for the meeting of March 7. He said the next meeting will be on March 28.

He then noted that Leadership Hayward had its education day yesterday and he was impressed with the quality of educational programs in the City schools.

6. Commissioners' Announcements, Referrals

There were no announcements or referrals.

ADJOURNMENT

The meeting was adjourned by Chairperson Halliday at 11:03 P.M.

APPROVED:

MINUTES



**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD
Council Chambers
Thursday, February 28, 2002, 7:30 P.M.
777 "B" Street, Hayward, CA 94541**

Francisco Zermeño, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary

DRAFT